

MARICOPA COUNTY BOARD OF HEALTH MEETING
Monday, April 26, 2010 3:00 pm
301 W. Jefferson Street, 10th Floor
Phoenix, Arizona 85003
Board of Supervisors Conference Room

Ms. Adamic called the meeting to order with a quorum present.

ROLL CALL:

Members Present:

Audrey Adamic
Don Cassano
Zuhdi Jasser, M.D.*
Amanda Jemsek (*via phone*)
Brian Spicker
Maricopa County Supervisor Kunasek, District 3*
Pam Wight

(* Denotes members arriving after Roll Call)

Members Excused:

Shannon Smith, RN*

Ex-Officio: Bob England, M.D.

CALL TO THE PUBLIC:

Mr. Cassano advised that if anyone from the public is present at the meeting today who would like an opportunity to speak, a Speaker Request Form is available and must be filled out prior to addressing the Board of Health. The Board of Health cannot take action on but only discuss questions from the public under the Call to the Public section.

ACTION/DISCUSSION ITEMS:

1. Approval of the February 22, 2010 BOH Minutes:

-Mr. Cassano

Ms. Adamic motioned to approve the February 22, 2010 BOH minutes. Ms. Wight seconded the motion. The motion passed unanimously.

2. Public Health Finance Report

-Mr. Pitcairn

Mr. Pitcairn discussed the proposed FY11 budget. The first section of the binder that has been passed out for the FY11 proposed budget are the OMB budget forms for various types of expenditures. The second section is a summary of our budget for each of the fund types, one column for each of our accounting strings and the third tab is for whatever you would like to put back there.

Looking at the hand out our general fund, \$10,787.840 for the current year has not changed. We have asked by OMB to request level funding. So we did this and they sent this for recommendation. The budget as not yet been approved but has been sent for approval to the Board of Supervisors. With our grant fund, last year we started with 29 million dollars, it went up to 51 million dollars. For FY11 we are requesting 38.5 million dollars which is still a 9 million increase over the 29 million dollars from last year. In our fee fund, the original budget was 6.6 million and we are actually requesting reduction down to 5.1 million. This all breaks out to roughly around 20% general fund, 70% grant fund, 10% special revenue or fee fund.

The general fund is level funding and so there is really nothing to report even though it is certainly possible that we will have further cuts down the road depending on the May 18th

election. At this point, OMB has stated that they are not anticipating any additional cuts if things stay the way they are right now because revenues seem to be leveling off.

One of the causes in the increase in our grant funding is because we received several First Things First funding. The first grant 2.8 million dollars is for the Child Care Nurse Consultation, the next one is for 1 million dollars which is for the Nurse Family Partnerships grant and will increase to 1.2 million for next year. Injury prevention grant funded at \$266,000 and prevention and education grant funded at \$625,000 which are both handled by our office of health promotion and education. The Healthy Start program received supplemental funding of \$485,000 for work in pre and post natal care in Maryvale, Central Phoenix and North Phoenix. So this totaled 5.2 million dollars for the First Things First grant. The other reason for the increase in our grant dollars is because we received several stimulus (American Recovery and Reinvestment Act—ARRA) fund dollars. We received supplemental healthcare for the homeless funding in the amount of \$238,000. The homeless program also received \$396,000 for installing an electronic medical records system. Community Health Nursing (child immunization) received supplemental funding in the amount of \$409,000 and our lead hazard program received \$109,000. We also had an increase in the WIC program funding in the amount of 1.3 million. The office of preparedness and response received \$251,000 and the refugee grant received an increase of \$600,000. We are seeing an increase in the cost pool which is our indirect collections. We received a reduction in our state TB grant of \$178,000 partially offset by an increase in our federal funding in our TB/HIV grant of \$59,000. Our state prenatal block grant was eliminated since last year. Our NICP took a major reduction and we are concerned this might be eliminated. The total net increase was 9 million dollars for the grant fund.

In the special revenue or fee fund, the vital registration revised projection; we reduced that by 1.2 million dollars going into next year. When the birth and death fee went up from 10-15 dollars at the beginning of last year we did an arithmetic projection and as it turned out with the economy, we have come in well below this amount. This reduction is to reflect a lower level. It is possible that if the economy picks up we will go over this but at this point we wanted to project a lower level. Adult immunization and foreign travel is being reduced by \$80,000. Child immunization and other fee collections we had put for this year \$200,000 for uninsured and underinsured, the funding is coming in much more slowly than we had originally planned to be collected so we reduced our estimate for this year down to \$100,000. The total net reduction in the special revenue/fee fund is 1.4 million dollars.

On the second page of the report, it illustrates the sources of our grants. You will be able to see that the federal dollars make up the largest share and the 28.6 million dollars also includes the stimulus funding.

Mr. Spicker asked about the recent efforts to appeal the First Things First grant. How will this affect these positions? Yes, if this appeal does go into affect the positions funded by the First Things First grant will go away. We have quite a few that have been hired for these programs so this will affect these numbers greatly.

Mr. Spicker made the motion to have the FY11 proposed budget be submitted to the Board of Supervisors, Mr. Steil seconded the motion. The motion passed unanimously.

3. Fee Waiver Applications

-Ms. Taylor

Each organization requesting a fee waiver was voted on separately.

1. *American Veterans Post #5*, Operator: James Goode, American Veterans Post #5—Ms. Adamic motioned to approve this fee waiver application. Mr. Spicker seconded the motion. The motion passed with a unanimous vote to **approve** the fee waiver.
2. *Sun City Adult Day Care*, Operator: Joanne Anderson, SCW Inter-faith Services —Mr. Spicker made the motion to approve the fee waiver application. Ms. Wight seconded the motion. The motion passed with a unanimous vote to **approve** the fee waiver.
3. *United Cerebral Palsy of Central AZ*, Operator: Joe Bom, Café Without Limits —Ms. Wight made the motion to approve the fee waiver application. Supervisor Kunasek seconded the motion. The motion passed unanimously to **approve** the fee waiver.
4. *Paradise Valley Emergency Food Bank*, Operator: Jim Nelson, Paradise Valley Emergency Food Bank — Ms. Adamic made the motion to approve the fee waiver application. Mr. Spicker seconded the motion. The motion passed unanimously to **approve** the fee waiver.
5. *East Valley Transitional Training*, Operator: Candace Johnson, A New Leaf —Mr. Steil made the motion to **disapprove** the fee waiver application. Ms. Adamic seconded the motion. Mr. Steil said that he looked through some of the financial statements and saw some of the individuals that were listed under there and felt that it was really warranted given the assisted living fee based on the scope of the cost of the individuals associated with it. The motion passed with a 4 to 2 vote to **disapprove** the fee waiver.
6. *Saguaro Jane's Inc.*, Operator: Sherry Lamb, Saguaro Jane's Inc. —Ms. Wight made the motion to approve the fee waiver application. Ms. Adamic seconded the motion. The motion passed unanimously to **approve** the fee waiver.
7. *St. Vincent de Paul Family Dining Room (several)*, Operator: Blasé Bova, St. Vincent de Paul Society—Ms. Spicker made the motion to approve the fee waiver application. Supervisor Kunasek seconded the motion. The motion passed unanimously to **approve** the fee waiver.
8. *YWCA Senior Citizens*, Operator: Kathleen Saunders, YWCA of Maricopa County — Mr. Steil made the motion to approve the fee waiver application. Mr. Spicker seconded the motion. The motion passed unanimously to **approve** the fee waiver.
9. *Compassion in Action*, Operator: Steve Robenalt, Compassion in Action—Ms. Adamic made the motion to approve the fee waiver application. Ms. Spicker seconded the motion. The motion passed unanimously to **approve** the fee waiver.
10. *Boys & Girls Club Tri-City West Branch (several)*, Operator: Bridget McDonald, Boys & Girls Club of Metro Phoenix— Ms. Adamic made the motion to deny the fee waiver application. Mr. Steil seconded the motion. Mr. Spicker said that we have had the discussion last time around the Boys and Girls Club and at that it was during a different time and that currently a lot of cities have had to shut down essentially all of their parks and recreations. The Boys and Girls Club is now one of the largest food distributors to those low income users of service because they aren't getting those meals elsewhere. Mr. Spicker said he would be opposed to denying this request. Ms. Adamic withdrew her motion to deny. Mr. Steil withdrew is second to the motion. Ms. Adamic motioned to approve this fee waiver. Mr. Spicker seconded the motion. The motion passed with a 5 to 1 vote to **approve** the fee waiver.
11. *American Red Cross*, Operator: Paula Susmark, American Red Cross —Ms. Adamic made the motion to approve the fee waiver application. Mr. Steil seconded the motion. The motion passed unanimously to **approve** the fee waiver.
12. *East Valley Adult Resources*, Operator: Daniel H. Taylor, Mesa Senior Services, Inc —Supervisor Kunasek made the motion to approve the fee waiver application. Ms. Adamic seconded the motion. The motion passed unanimously to **approve** the fee waiver.
13. *Sun City West Interfaith Services*, Operator: Amanda Weiler, SCW-Inter faith Services —Ms. Adamic made the motion to approve the fee waiver application. Mr. Spicker seconded the motion. The motion passed unanimously to **approve** the fee waiver.
14. *Star Stand Together & Recovery*, Operator: Colleen Craig, Survivors On Our Own of AZ —Ms. Wight made the motion to approve the fee waiver application. Ms. Adamic seconded the motion. The motion passed unanimously to **approve** the fee waiver.

Mr. Kolman presented a number of different revisions in numerous chapters. I would like to note that in Chapter 1 we do have two fees that were amending, one is miscellaneous food that was not included, it was an old category that was orphaned with new legislation about 18 months ago and that should not be in there and the second is a pool variance fee that we are going back to a flat fee after discussion with stakeholders.

We will begin with fees. I will hand out what we use with our stakeholders. We developed a new fee model thanks to Cal and Russell in house that shows a flow chart of what we would term productive versus non productive and we use these when we actually came up with the fees that we are proposing today. We are looking to do the fee model on a regular basis. The last time we did a fee model was about a number of years ago around 2006.

For our new fees, we have proposed—

- A new mobile sanitary toilet facility or waste vault. These are typically either what we call fancy toilets at events where we have multiple units within one building or where we have a construction trailer types of set ups that are not connected to a city sewer or onsite facility line. What we want to do is propose a fee so that we can better regulate and that they are properly maintained and not causing a health hazard.
- With our swimming pools, we have a set number of swimming pools that we load into our fees, if we are having difficulties where the operator or owner would like us to come back out to do more of a training or explanation or to get a facility opened after we have closed it, we are looking to charge an inspection upon request for these types of activities which is beyond the scope of normal permitting
- We are also looking to permit an artificial bathing lake which is considered a new fee. Artificial and semi-artificial bathing lakes are like the manmade lakes as opposed to swimming pools, ie water ski's.
- Fence remodel fee – we have had a number of issues that have come out... we would like to split out fence remodels apart from other remodels.
- Onsite/additional inspection fee – this would be if you exceeded the number of inspections that is within the base fee and if you needed additional inspections we would charge an additional inspection fee that would cover our costs. (Do people have the option of a private inspector? Not currently)
- Planning and Development Review fee – fee recovery for staff time that we actually spend and Planning and Development
- Reclaim water plan review system – we would like to break this out into its own fee... we want to make sure that when reclaim water systems are put in that they are installed correctly. (fee-\$150 base fee and then an hourly rate of \$130..)
- Mobile Pet Groomers Shop plan review – this would be a separate category to review these facilities... these are facilities that will come to your house or where they sale at swap meets
- Push Cart Plan review fee – push carts are simpler and what we are trying to do is recover the cost of what a simple push cart should be
- Permit Application for Environmental fee – this would be transfer of ownership or new owner type of fee. We have seen a number of issues of ownership changes and so we need to bring the new food facility into compliance and so this fee will cover the staff time spent on helping the new owner bring their facility into compliance.
- Mobile Food Seasonal Lake fee – expediting it if they forget to do it... if it is less than 7 days
- Vending Machine fee – to capture different classes of vending machines

- Food Service Worker schedule – we are looking to offer online testing, we are requiring 10 dollar per participant and 10 dollar per exam taken or if you have taken the class somewhere else and you want to get a card it will be 5 dollars to get the card
- Copy of a Permit – new fee @ \$5.00 (people are requesting additional copies of their permits)
- Replacement Permit plate – new fee of \$5.00
- Mailing List Request – to cover over the numerous mailing requests
- Record Search – we are asking \$5.25 per hour for staff to do a record search and also shipping for these will be recovered under a new fee
- Hazard and Health critical control point plan
- Permit Reinstatement fee – within 30 days when your permit expires, you can pay a reinstatement fee of \$50.00

In some cases, the fees will come down and in some cases the fees may not be entirely new but they are being labeled differently. There have been a few things that have been identified as completely new categories such as the Reclaim Water Lines. We are trying to provide our stakeholders and the public the most accurate fee analysis for each activity.

Have you worked with the different stakeholders? We have had a high increase in our swimming pool area and we have talked to numerous stakeholders regarding this and we can provide you with information about the discussion that we have had. We have had workshops with all the different stakeholders. We have sent out 16,000 invitations to all of our stakeholders. So we have made extensive invitations to our stakeholders.

Mr. Cassano asked if there were any stakeholders present today that would like to come up and share that they could do so at this time.

The Restaurant Association representative shared and said they had worked with Maricopa County Environmental Services and that they are in support with the new fee structure that they have set forth.

- On page 5 of 6, we have swimming pool fees. We have several different classes. The bathing semi public is currently at 190 and we would be looking to go to 270, the hydro therapy public is currently at 315 and would be going down to 235, the hydrotherapy semi public is at 140 and would be going up to 225, the pool remodel complex is 250 and would be going up to 440, the special use public is 215 and going up to 290, the special use semi public is 155 and going up to 250, the swimming pool test variance is 455 and will be going down to 335 and the wading semi public is 140 and would be going up to 225. What has happened, is again with our fee model, we have been able to pull this out and actually look at the program individually in terms of what it would take to administer the program effectively. I would like to let the board know that some of the issues we have out in the public with some of the swimming pools is like last year we did comprehensive inspections, of those we had gate violations, section outlet violations, fancy design violations, chlorine was below standard, and only 1797 of the 9,000 or more that we had done had no violations. We have quite a number of pools in the valley and we have number of issues and so we ran the fee models these were the areas that we saw the largest increase to keep the public safe. We have received letters from family housing units and communities who are concerned about the rate increase

but we believe that adjusting the fee to where it needs to be is enabling the safety of the public and is in alignment with all of the other fees.

How much demand is there for inspection upon request? Not too much demand. It would be more for when we already do an inspection but the owner/restaurant would want us to do an additional inspection or if a new owner wants us to come in and go over the inspection with them even if we had already been out recently. Would this inspection upon request be for any permit? Yes.

Health Code has lots of changes –

- Permits were allowed to lapse and then owners would just have to pay a late fee... this change will have the effect that if it lapse you will automatically have an additional 30 days if the annual permit fee and reinstatement fee is paid within the 30 days.
- A lot of what you see in chapter 1 is just cleanup work, for examples signs and notices, publications, etc. that tells you what happens if you are not in compliance.
- Chapter 2 is bio hazardous and waste – we are just cleaning up and bringing into compliance what was set by ADEQ.
- Chapter 3 is rodents, insects - makes abatements a little cleaner, colonies of bees spread across public places
- Chapter 4 is land subdivisions – small change, we are allowing programs to make the adjustment in the forms
- Chapter 4 condominiums
- Chapter 5 water supply – renumbered all the sections and puts us alignment with the state code.
- Chapter 6 bathing places/semi and public swimming pools – minor changes in language, nothing really that new in here...
- Chapter 6 special use pools – we added more on the water features, regarding in ground water features, pod controls... more engineering terms that bring us in line with the entire community
- Chapter 7 food service worker manager – requiring that each food service facility have a card... and that within 30 days of being hired, you have to have a card, \$10 fee for test and \$5 fee for card
- Chapter 8 schools defined by Administrative Code as any school serving potentially hazardous food other than universities

Mr. Spicker made the motion to approve the recommendations by the Environmental Services division for the Maricopa County Environmental Health Code proposal of Chapters I, II, III, IV, V, VI, VII, VII. Ms. Adamic seconded the motion. The motion passed unanimously.

DISCUSSION ITEMS

1. Public Health Report

-Dr. England

Dr. Bob England presented the following matters to the Board.

What you have in front of you is a fraction of slides of what I presented to our own staff recently. We use to have an All Hands Meeting with every employee of the department but our own budget cuts prohibit that so we tried to use it by webinar but we ran into our own technological glitches and so we just published it on our one intranet.

Most of the ADHS (department of health services) budget is set aside as matching funds for Title 19 behavioral health Medicaid funding. Therefore if you look at the entire state budget on the first slide and anything other than behavioral health funding has been cut in half and some of this is behavioral health that is not Title 19 funding. Examples of this would be licensure that has been totally cut, funding for vaccines, some of our partners have suffered as a result of this, like community health centers. Housing subsidy has been eliminated. There will be impacts to other programs as the state continues to make cuts.

ARRA funding is temporary funding and FTF (First Things First) funding but good funding for programs. The FTF funds programs are the right kinds of programs that we need. As you can see the FTF funds are up to be cut on the November ballot. The November ballot includes any voter protected funds and I don't know where that is at so if this is on the ballot our Tobacco money is up for grabs too.

Phase 3 of the funding that the government gave us for H1N1. At this point, the government is realizing that there are many millions of dollars still on the plate and we are being told to be really flexible and try to spend this money. I believe that we have some good things to spend some of the money on but if I can't spend it wisely I will send it back but if we can find ways to spend it we will spend it.

Another issue, we have an interpretation in the county in our procurement rules that inhibit us from pursuing grant applications that all to the other counties in Arizona do where we would be an applicant for a grant and site partner organizations we would like to partner with and to subcontract some of the partners. For example, the federal grant that came out that was designed for communities that had been impacted by the economic down turn that had not previously been affected by unemployment rate and now do that was designed for behavioral health interventions to head off potential problems. We are not a good applicant for this because we don't provide behavioral health directly but the grant said it had to be the local unit of government to apply. So for us to get our local behavioral health partners the funding we have to apply but our own limitations within our procurement guidelines say we cannot do this unless we have gone through an RFP process by which entities can apply to us in order to be the named subcontractors of the grant but as is the usual case, there is not enough time to do this all. So we pass on the funds to someone else. (Mr. Spicker made the comment that most federal grants are requesting partnerships like this, so is the County not up to speed as far as procurement to how the grants are now coming down so we can be in the position to receive funding and partner with other organizations). Public health grants frequently demonstrate how well you partner and collaborate within the grant and yes we have missed out on a lot of funding because of how procurement inhibits us. We can maybe do an RFP to question if you ever want to partner with us at any given time. We do have a vendor list that we could pull from. We are definitely open to ideas so that we can get around this issue and partner and subcontract some of the upcoming grants that are out there.

In our emergency preparedness money has been based on the original grant that came out 7 or 8 years ago. The funding was based on the deliverables to the feds that was required at point in time which is now no longer irrelevant. It winds up with a \$300,000 base in preparedness money that by the time it is all said and done Maricopa County is getting about 1.2 million. Our county partners, even though it means some real pain for them, have

agreed to redo the formula and some are getting a base of \$150,000 so that in the end Maricopa County could get more since we are so huge.

We did not get the huge Communities Putting Policy to Work grant that I mentioned at a previous board meeting but we are going to push policy change any way because we can get a bigger bang for our very limited buck.

Last year, the state passed a bill that became ARS 1501 and 1502, screening of legal residency before public benefits can be given out to people. It sounds simple but interpreting this has been extremely complex. To define what a public benefit is program by program is very complex. Many programs it is not clear for and we have been working with legal counsel to define these terms but we and all other counties are waiting for attorney general opinion to help define some of these. Senate bill 1070 that was just signed into law is going to cause us considerable issues as well in terms of what is "harboring" undocumented immigrants as well. If our homeless van and picks people up who are homeless, are we transferring an undocumented person knowing that none of the homeless population have papers of any kind. Homelessness is anyone who says they are and so there are issues that are going to be more complicated than they seem at first glance. By the way, today is the first week day since the bill has passed and vitals had a line out the door and more than 200 birth certificate applications for Spanish speaking individuals by

There is a lot of money in Health care reform for primary prevention and public health. No one knows how these programs are going to come down. There is home visitation money, public health funds and some of this money is suppose to start this fiscal year. However, they don't have the agencies that are going to house the programs, much less the rules that these programs will have, much less the states that the funds will go through. I'm scared that I am going to get 5 million dollars that I am going to have to spend by October. We will see how this goes. Some of this is going to be really good! So we will have some good things coming in

Program updates – we did a really big POD exercise in Peoria to do medication distribution. We found glitches but the community was very helpful.

Disease updates – CDIF outbreak in a hospital in town. It is a gradually building problem that is happening nationally. You will probably also hear about a Mercury spill in Wickenburg. This was truly a minor a health issue all along.

Finally, the board typically has an annual retreat. I spoke to the chair about this. What I suggest, to avoid repetition, I would like to offer the newer members of the board just a meeting (less than a quorum) just so you can hear from me how public health operates. Then we can come back together the following board meeting and then you can decide as a group if we want to have a retreat. What about sending an email?

Adjournment

Ms. Adamic motioned to adjourn the meeting. Mr. Steil seconded the motion. The motion passed unanimously.